

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:06CR88
	§	
TERRY LYNN PYE	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 23, 2013 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Alma Hernandez.

On December 5, 2006, Defendant was sentenced by the Honorable Michael H. Schneider, United States District Judge, to a sentence of 60 months imprisonment followed by a three year term of supervised release for the offense of Possession of a Firearm in Furtherance of a Drug Trafficking Crime. The term of supervised release was revoked on September 23, 2011, and Defendant was sentenced to eight months of imprisonment followed by an additional 24 month term of supervised release. Defendant originally began his term of supervision on October 12, 2010. Following his revocation, the new term of supervised release began on May 16, 2012. On June 24, 2013, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On September 19, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the “Petition”) (Dkt. 43). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician; (3) Defendant shall notify the probation officer ten days prior to any change in residence or employment; (4) Under the guidance and direction of the U.S. Probation Office, Defendant shall participate in a program of psychiatric and mental health services and shall comply with any medication requirements as prescribed by the treatment provider; (5) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; (6) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

The Petition alleges that Defendant committed the following violations: (1) On July 10, August 27, 2012, and June 24, 2013, Defendant submitted urine specimens that tested positive for methamphetamine. Defendant admitted to said use; (2) On August 17, 2013, an unannounced home visit was conducted at 504 E. Houston St., in Leonard, Texas, where Defendant was last known to reside. The U.S. Probation Office was advised by a family member that he did not stay there the night before and his whereabouts were unknown. On August 22, 2013, the U.S. Probation Office spoke with Defendant’s brother who stated that he had not seen Defendant for about a week and a half. As of September 19, 2013, Defendant’s whereabouts are unknown; (3) On July 17, 2013,

Defendant's conditions of supervision were modified to include mental health treatment with medication monitoring. He failed to attend a scheduled medication monitoring appointment with Mech Healthcare Associates on August 20, 2013; (4) On January 11, 2013, Defendant was instructed to attend bi-weekly outpatient substance abuse counseling sessions through Pillar Counseling. Defendant failed to participate in counseling sessions for the month of May 2013. On June 13, 2013, Defendant was instructed to call and schedule an appointment. Defendant failed to attend counseling sessions for the month of June and July 2013. On August 7, 2013, Defendant was instructed to call and schedule an appointment. Defendant failed to attend counseling sessions on August 14 and 21, 2013; (5) On August 7, 2013, Defendant was instructed to report for an office visit on September 6, 2013. Defendant failed to report as instructed.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 23, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months and one day, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 25th day of October, 2013.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE